

HOUSE No. 2863

By Mr. Scaccia of Boston, petition of Angelo M. Scaccia and John W. Scibak relative to medical care for persons in mental health facilities. Mental Health and Substance Abuse.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO PROVIDING APPROPRIATE MEDICAL CARE FOR PERSONS IN MENTAL HEALTH FACILITIES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The first paragraph of Section 4 of chapter 123 of
2 the General Laws, as appearing in the 1998 Official Edition, is
3 hereby amended by striking out, in lines 22, 23 and 24, the words
4 “physical examination by a physician licensed under the provi-
5 sions of chapter one hundred and twelve” and inserting in place
6 thereof the words:— comprehensive physical examination by a
7 physician licensed under the provisions of chapter one hundred
8 and twelve upon admission and.

1 SECTION 2. Said Section 4 of said chapter 123, as so
2 appearing, is hereby further amended by inserting after the first
3 paragraph the following two paragraphs:—

4 During an admission examination, periodic physical examina-
5 tion and on a continuing basis, the examining physician shall
6 identify all persons who require intermediate nursing services,
7 skilled nursing services, chronic disease hospital services or reha-
8 bilitation hospital services, as referred to in the regulations pro-
9 mulgated by the department of public welfare, regardless of any
10 person’s need to have such service provided in an institutional set-
11 ting. Upon such identification, a report of the same shall be made
12 by such physician to the commissioner, who shall maintain statis-
13 tical records regarding such persons.

14 The department of mental health shall provide an individual
15 service plan for every person so identified within thirty days of

16 such identification, which plan shall be written pursuant to the
17 standards and procedures established in the rules and regulations
18 of said department, relative to the standards by which an indi-
19 vidual may request and receive mental health services and which
20 shall note each of the person's physical health care needs. Each
21 service plan shall provide for services in the most age appropriate
22 and disability appropriate setting consistent with the mental health
23 needs of each person.